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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,510	10/17/2001	David Thompson	BRDC:038	8112

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EXAMINER
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PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. -

09/982,510

Applicant(s)

THOMPSON ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 16, 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 10, and claims 16 and 18 line 2 recites "... each payload..." It is unclear and confusing if the claims refer to one or a plurality of payloads and therefore makes the claims indefinite. Appropriate clarification or correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by Cansever et al., Patent #6,807,648.**

Regarding claim 1, Cansever teaches a wireless communications network for communicating at least one data payload, comprising.

Art Unit: 2645

a wired network, a wireless channel, a server computer connected to the wired network(col.4 lines 1-9);

a wireless packetized data communications provider equipment connected to the wired network(col.4 lines 1-9);

a client device communicatively connected via the wireless channel to the wireless packetized data communications provider and wherein the server computer assigns a global sequence number to each payload(*col.2 lines 23-54 and col.3 lines 29-32; the correction code is a global sequence number*).

Regarding claim 2, Cansever teaches the wireless communications network of claim 1, further comprising a detector for determining whether any payload has not been received by the client device by means of the global sequence number(*col.2 lines 23-54*).

Regarding claim 3, Cansever teaches the wireless communications network of claim 2, wherein the detector is selected from the group consisting of: a software and a hardware of the client device(Fig.1)

Regarding claim 4, Cansever teaches the wireless communications network of claim 3, wherein the first client device communicates to the server computer an identifier of any payload that is not received by the client device, based on the global sequence number(*col.2 lines 23-54*).

Regarding claim 5, Cansever teaches the wireless communications network of claim 2, wherein the wired network is the Internet(col.4 lines 1-52).

Art Unit: 2645

Regarding claim 6, Cansever teaches the wireless communications network of claim 1, wherein the wireless channel is a cellular packetized data system(col.4 lines 1-52).

Regarding claim 7, Cansever teaches the wireless communications network of claim 1, wherein the wireless channel is a CDPD system(col.4 lines 1-52).

Regarding claim 8, Cansever teaches the wireless communications network of claim 1, further comprising a compressor for compressing together headers of each payload(*col.2 lines 23-54, col.3 lines 12-19, and col.6 lines 26-37*).

Regarding claim 9, Cansever teaches the wireless communications network of claim 8, wherein the compressor is the server computer(*col.2 lines 23-54, col.3 lines 12-19, and col.6 lines 26-37*).

Regarding claim 10, Cansever teaches the wireless communications network of claim 1, further comprising a comparator for determining whether a time differential between receipts by the client device of every other sequential payload exceeds a time constant indicative of an effective data receipt rate of the client device((col.5 lines 1-30 and col.7 line 12-57).

Regarding claim 11, Cansever teaches the wireless communications network of claim 10, wherein the comparator is selected from a group consisting of: a software and a hardware at the client device(Fig.1 and col.4 lines 1-25).

Regarding claim 12, Cansever teaches the wireless communications network of claim 10, wherein the client device assumes any payload loss occurs on the wire side if the time differential does not exceed a multiple of an effective data

Art Unit: 2645

transmit rate of the server computer and otherwise on the wired side(col.5 lines 1-30 and col.7 line 12-67).

Regarding claim 13, Cansever teaches the wireless communications network of claim 1, further comprising:

a compressor for compressing together all data headers of payloads of information at the server computer (*col.2 lines 23-54, col.3 lines 12-19, and col.6 lines 26-37*).

Regarding claim 14, Cansever teaches the wireless communications network of claim 13, further comprising:

a transmitter at the server computer for transmitting the compressed data headers of payloads(*col.2 lines 23-54, col.3 lines 12-19, and col.6 lines 26-37*).

Regarding claim 15, Cansever teaches the wireless communications network of claim 1, further comprising:

a bundling rate determiner at the client device, wherein an outstanding number of bytes not yet received by the client device is divided by an effective data receipt rate of the client device, and the server computer adjusts a send rate of the server computer based on a multiple of the result of the division(col.5 lines 1-30 and col.7 line 12-67).

Regarding claim 16, Cansever teaches a method of wireless communications, comprising the step of:

assigning each payload a global sequence number(*col.2 lines 23-54 and col.3 lines 29-32; the correction code is a global sequence number*).

Art Unit: 2645

Regarding claim 17, Cansever teaches the method of claim 16, further comprising: receiving each of next successive payloads, determining a time differential between receipts of the next successive payloads; comparing the time differential to a multiple of a server transmit rate; wherein if the time differential exceeds the multiple then payload loss is assumed occurring on a wireless portion of a network and otherwise on a wired portion of the network(col.7 lines 12-67).

Regarding claim 18, Cansever teaches a method of wireless communications, comprising the step of: compressing together all headers of each payload of information at the server computer(*col.2 lines 23-54 and col.3 lines 29-32; the correction code is a global sequence number*).

Regarding claim 19, Cansever teaches the method of claim 18, further comprising the step of transmitting together all headers as so compressed(*col.2 lines 23-54, col.3 lines 12-19, and col.6 lines 26-37*).

Regarding claim 20, Cansever teaches a method of wireless communications, comprising the steps of: determining at a client device the number of bytes outstanding not yet received, dividing the number of bytes by an effective receipt data rate of the client device; and varying a send rate of a server computer according to a multiple of the result of the step of dividing(col.5 lines 1-30 and col.7 line 28-57).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the


Art Unit: 2645

examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP  
March 2, 2005



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